

**REMARKS**

Claims 1-39 are pending in the present application. By virtue of this response, claim 2 has been cancelled and claims 1 and 24 have been amended. Support for the amendment to claims 1 and 24 may be found, e.g., in the claims as originally presented and throughout the present application. Accordingly, claims 1 and 3-39 are currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

**Rejections Under 35 U.S.C. § 102(e)**

The Office has rejected claims 1-8, 10, 11, 15, 16, 19, 22-29, 32, 33, and 37-39 as allegedly being anticipated by Buckelew et al. (US 6,498,882 B1).

In response to a similar rejection in the Office Action mailed May 20, 2003 (Paper No. 5), Applicants responded that the present application claims the benefit of priority to at least U.S. Patent Application Serial No. 09/724,829, which was filed on November 28, 2000. Buckelew et al. shares the same filing date of November 28, 2000 as the priority filing date of the present application. In response, the Examiner stated on Page 5 of the final Office Action mailed September 25, 2003 (Paper No. 0903) that “neither of these applications disclose that the plane defined by the segment of optical fibers is angled relative to the plane defined by the component, as required by both independent claims 1 and 24 of the present application.”

Applicants have amended claim 1 to now recite, in part, “a segment of the length of optical fibers is disposed within the opening such that a plane defined by the segment is substantially perpendicular to the plane defined by the mounting base.” Additionally, claim 24 now recites, in part, “a plane defined by a segment of the length disposed within the opening is substantially perpendicular to the plane defined by the mounting base.” Support for the amendments to claims 1 and 24 may be found in the claims as originally presented, e.g., see claim 2, and throughout the present application; accordingly, no new matter has been added. Additionally, these features of claims 1 and 24 are clearly disclosed by U.S. Patent Application Serial No.

09/724,829. For example, on page 6 of the '829 application, the fibers are described as exiting the package "disposed nominally in a plane perpendicular to the base of the package....Each optical component is usually placed within the package so that the plane of the optical component is parallel to the top and bottom sides of the package." (see page 6, lines 2-24). Further, the '829 application describes and illustrates an optical fiber ribbon 202 perpendicular to the base of a package. (page 6, line 25 to page 7, line 22; claim 17; Figure 2).

Accordingly, claims 1 and 24 are disclosed and supported by the previously filed '829 application. Therefore, Buckelew et al. serves as an improper basis for a rejection under 35 U.S.C. § 102(e). Accordingly, removal of the rejection is appropriate and is hereby respectfully requested.

#### **Allowable Subject Matter**

The Office has indicated that claims 9, 12-14, 17, 18, 20, 21, 30, 31, and 34-36 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants acknowledge the allowable subject matter with thanks; however, in light of the amendment and remarks herein, Applicants submit that all claims are now in condition for immediate allowance.

## CONCLUSION

Applicants have, by way of the amendments and remarks presented herein, made a sincere effort to overcome rejections and address all issues that were raised in the outstanding Office Action. Accordingly, reconsideration and allowance of the pending claims are respectfully requested. If it is determined that a telephone conversation would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.373722001822. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: March 25, 2004

Respectfully submitted,

By 

Christopher B. Eide

Registration No.: 48,375

MORRISON & FOERSTER LLP

755 Page Mill Road

Palo Alto, California 94304

(650) 813-5720